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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,740	09/22/2003	Bret A. Bailey	BOC9-2003-0028 (397)	1890
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER TRAN, TUYETLIEN T	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,740

Applicant(s)

BAILEY ET AL.

Examiner

TuyetLien (Lien) T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-15, 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 04/23/07.

This action is made final.

2. Claims 1, 2, 4-15, 17-22 are pending in the case. Claims 1, 9, 14 and 22 are independent claims. Claims 1, 2, 4, 5, 9-15, 17-22 are amended claims.

Specification

3. Applicant's amendment corrects the previous objection and therefore the objection is dropped.

Claim Objections

4. Applicant's amendment corrects the previous objection and therefore the objection is dropped.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1, 2, 4-15, 17-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 1, 9, 14 and 22 contain the trademark/trade name "z/Architecture". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular

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material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe *computer architecture* and, accordingly, the identification/description is indefinite.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 101

7. Applicant's amendment corrects the previous rejection and therefore the rejection is withdrawn.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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9. Claims 1, 2, 5-9, 11-15, 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paxhia et. al. (Pub No. 2002/0052935 A1, hereinafter Paxhia) in view of Spiegel et al. (Pub No US 20030055863 A1, hereinafter Spiegel).

As to claim 1, Paxhia teaches:

A method for configuring Transmission Control Protocol/Internet Protocol (TCP/IP) settings on a computer (e.g., see Fig. 13 and [0064], [0065]) comprising the steps of:

providing a graphical user interface for configuring TCP/IP settings including at least one control (e.g., see Figs. 12, 13 and [0065]);

accessing data contained within at least one configuration file containing TCP/IP settings for said computer (e.g., read current settings from the configuration file, see [0051]; note that current settings also includes TCP/IP settings as shown in Figs. 12, 13);

displaying TCP/IP settings based upon said accessed data within said graphical user interface (e.g., build configuration pages filled in with the settings from the configuration file, see [0051] and Figs. 11-13); and

altering one or more of said TCP/IP settings within said at least one configuration file responsive to manipulation of said control (e.g., read the values contained in the configuration pages and write those values out to the configuration file, see [0051] and Fig. 11, Fig. 12).

Paxhia further teaches the configuring TCP/IP settings for a computer having AS/400 architecture also known as iSeries (e.g., see Fig. 8); however, Paxhia does not teach the configuring settings for a computer having a z/architecture.

Spiegel teaches a method and apparatus for managing a resource in an information handling system particularly for a computer having a z/architecture in which a user interface is provided for an operator to configure and manage the resource in the computer (e.g., see [0009], [0012], and [0030], [0031]).

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Paxhia and Spiegel are analogous art because they are from the same field of endeavor of providing an interface for configuration (e.g., see Spiegel [0030]) for IBM platform computers (iSeries and zSeries). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the configuration graphical user interface that can be applied to a zSeries server as taught by Spiegel to the internet connection configuration graphical user interface as taught by Paxhia to create an internet connection configuration graphical user interface on a zSeries compatible computer. The motivation to combine the teachings of Paxhia with Spiegel is to allow easy manipulation of parameters such as IP address, network address, as well as name server.

As to claim 14, claim 14 reflects a computer-readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executed by a computer for causing the computer to perform the steps as claimed in claim 1 (e.g., see [0018], [0065], and page 25 lines 7-11), and therefor is rejected along the same rationale.

As to claim 22, claim 22 reflects a system for implementing the steps as claimed in claim 1 (e.g., see [0018], [0065], and page 25 lines 7-11), and therefor is rejected along the same rationale.

As to claim 9, Paxhia teaches:

A computer-readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executable by a computer for causing the computer to display a graphical user interface for a computer (e.g., see [0018], [0065], and page 25 lines 7-11) comprising, said user interface comprising:

a plurality of interface elements (e.g., see Figs. 11-13), wherein at least a portion of said interface elements display data derived from a flat file of said computer (e.g., see [0051]) that

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includes Transmission Control Protocol/Internet Protocol configuration settings for said computer (e.g., see [0065] and Figs. 11-13), and wherein selection of at least a portion of said interface elements alter one or more of said Transmission Control Protocol/Internet Protocol configuration settings within said flat file (e.g., read the values contained in the configuration pages and write those values out to the configuration file, see [0051] and Figs. 12-13).

Paxhia further teaches the configuring TCP/IP settings for a computer having AS/400 architecture also known as iSeries (e.g., see Fig. 8); however, Paxhia does not teach the configuring settings for a computer having a z/architecture.

Spiegel teaches a method and apparatus for managing a resource in an information handling system particularly for a computer having a z/architecture in which a user interface is provided for an operator to configure and manage the resource in the computer (e.g., see [0009], [0012], and [0030], [0031]). Thus, combining Paxhia's teaching with Spiegel's teaching would meet the claimed limitation for the same reasons as discussed with respect to claim 1.

As to claims 2 and 15, Spiegel further teaches wherein said graphical user interface is configured for at least one of a 32-bit multiple virtual storage operating system and a 64-bit multiple virtual storage operating system (e.g., see [0031]). Thus, combining Paxhia's teaching with Spiegel's teaching would meet the claimed limitation for the same reasons as discussed with respect to claim 1.

As to claims 5, 13, and 18, Paxhia further teaches displaying help relating to configuring TCP/IP communication settings of said computer within said graphic user interface (e.g., see [0047], [0048], Figs. 11-13). Thus, combining Paxhia's teaching with Spiegel's teaching would meet the claimed limitation for the same reasons as discussed with respect to claim 1.

As to claims 6 and 19, Paxhia further teaches:

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providing a selection list within said graphical user interface, said selection list including a multitude of user-selectable settings for at least one configuration parameter of said configuration file (e.g., see [0051] and Fig. 11); and

updating said configuration parameter responsive to a selection within said selection list (e.g., read the values contained in the configuration pages and write those values out to the configuration file, see [0051] and Fig. 13).

As to claims 7 and 20, Paxhia further teaches synchronizing multiple ones of said at least one configuration file using said graphical user interface (e.g., read current settings from the configuration file and build configuration pages filled in with those settings, see [0051] and Fig. 11).

As to claims 8, 12, and 21, Paxhia further teaches checking a validity of at least one parameter stored within said configuration file using said graphical user interface (e.g., see [0050]).

As to claim 11, Paxhia further teaches wherein at least a portion of said plurality of interface elements accept input (e.g., see Fig. 11 and Fig. 13), and wherein said input is restricted to prevent invalid configuration settings from being written to said flat file (e.g., configuration file validation program, see [0050]).

10. Claims 4, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paxhia in view of Spiegel further in view of Wilkerson et al (Patent No 5778387, hereinafter Wilkerson).

As to claims 4, 10, and 17, Paxhia and Spiegel teach the limitation of claims 1, 9, and 14 for the same reasons as discussed with claims 1, 9, and 14 above. Paxhia and Spiegel fail to expressly teach integrating a graphical user interface with an interface component of an operating system of said computer.

Wilkerson teaches integrating a graphical user interface (e.g., the process operates under a system in which menus known as “panels” prompt the user for information and process selection, see col. 2 lines 32-45) integrating a graphical user interface with an interface component of an operating system of said computer (e.g., note that the interface can be run on ISPF, see col. 6 lines 45-55).

Paxhia, Spiegel, and Wilkerson are analogous art because they are from the same field of endeavor of providing an interface between an operator and the computer to allow data manipulation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the integration of an application software with ISPF tool as taught by Wilkerson to the internet connection configuration graphical user interface as taught by Paxhia and modified by Spiegel to create an TCP/IP configuration graphical user interface integrated with an Interactive System Productivity Facility of a computer having a z/architecture. The motivation to combine the teachings of Paxhia modified by Spiegel with Wilkerson is to allow a person not technically skilled in the user of a computer can operate the new procedure (see e.g., Wilkerson col. 2 lines 32-35).

Response to Arguments

11. Applicant's arguments filed 4/23/07 have been fully considered but they are not persuasive.

Applicant's arguments that the term "z/Architecture" may be considered a trademark name/trade name by some for a particular type of processor architecture used in mainframes produced by the IBM Corporation, the inclusion of such a term is limiting and therefore is not indefinite and that the term "z/Architecture" is identifiable and different from other processor architecture (e.g., see Applicant's remark page 9, Para 2).

Examiner respectfully disagrees and submits that where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirement of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe *computer architecture/platform and*, accordingly, the identification/description is indefinite. The mere argument that the term "z/Architecture" is identifiable and different from other processor architecture is not enough to determine the metes and bounds of the claim because one skill in the art would not realize which specific model of the z/Architecture is claimed at the time the invention was made.

Applicant's arguments that the prior art of Paxhia fails to disclose or suggest a system or method for configuring TCP/IP settings in a configuration file of a mainframe or server computer (e.g., see Applicant's remark page 9, Para 2).

The examiner would like to point out that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231

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USPQ 375 (Fed. Cir. 1986). In addition, the prior art of Paxhia teaches a system and method having a user interface and configuration file for configuring TCP/IP settings (e.g., see [0041], [0051], [0065], Figs. 11-13; note that the system administrator can configure or assign a separate and distinct IP address for the *ADMIN server by obtaining a separate IP address or that a system administrator can configure the port number using the user interface as shown in Fig. 13 so that data associated with the *ADMIN process will be redirect to the correct process; further note that one skill in the art would realize that in the TCP/IP protocol, a port is a special number present in the header of a data packet and each packet header will specify a source/destination port as well as specifying the source/destination network addresses; therefore it would have been obvious to one skill in the art at the time the invention was made to realize that the configuration of TCP/IP settings).

Applicant's arguments that the prior art of Paxhia only provides a user interface that configures the web servers after a TCP/IP configuration has been completed (e.g., see Applicant's remark page 9, Para 2, lines 8-11).

Examiner respectfully disagrees and submits that the features upon which applicant relies (i.e., configuration of the web servers happens after a TCP/IP configuration has been completed) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments that none of the disclosed prior art are configured to adjust any setting of the TCP/IP connection itself (e.g., see Applicant's remark page 9, Para 2, lines 14-17).

Examiner respectfully disagrees and submits that the features upon which applicant relies (i.e., configured to adjust any setting of the TCP/IP connection) are not recited in the

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rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
7/02/2007

Lien Tran
Examiner
Art Unit 2179



WEILUN LO
SUPERVISORY PATENT EXAMINER